

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

SHORT FORM COMPLAINT FOR DAMAGES FOR INDIVIDUAL CLAIMS

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

~~Darlene Dianne Morgan~~ Darline Dianne Allen Morgan

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

NA

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

NA

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Texas

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Texas

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Texas

7. District Court and Division in which venue would be proper absent direct filing:

Northern District of Texas, Dallas Division

8. Defendants (check Defendants against whom Complaint is made):

© C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

Other: _____

Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

Recovery® Vena Cava Filter

☒ G2® Vena Cava Filter

€ G2® Express (G2®X) Vena Cava Filter

€ Eclipse® Vena Cava Filter

€ Meridian® Vena Cava Filter

€ Denali® Vena Cava Filter

€ Other: _____

11. Date of Implantation as to each product:

06/07/2006

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

¶ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

¶ Count VI: Negligence – Failure to Recall/Retrofit

¶ Count VII: Negligence – Failure to Warn

¶ Count VIII: Negligent Misrepresentation

¶ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

¶ Count XI: Breach of Implied Warranty

X Count XII: Fraudulent Misrepresentationmber 16, 2010

- Count XIII: Fraudulent Concealment
 - Count XIV: Violations of Applicable (Insert State)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
 - Count XV: Loss of Consortium
 - Count XVI: Wrongful Death
 - Count XVII: Survival
 - Punitive Damages
 - Other(s): _____ (please state the facts supporting this Count in the space immediately below)

RESPECTFULLY SUBMITTED this 11 th day of December , 2018.

MCSWEENEY/LANGEVIN LLC

By: /s/ David M. Langevin

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